

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ERIN WARE,

Plaintiff,

v.

ROBERT SMITH, *et al.*,

Defendants.

Case No. 3:20-CV-0102-MMD-CLB

**ORDER TO FILE OPPOSITION TO  
DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT**

On July 28, 2021, Defendant Robert Smith filed a motion for summary judgment (ECF No. 30.) Plaintiff Erin Ware ("Ware") was given notice of the motion pursuant to the requirements of *Klinge v. Eikenberry*, 849 F.2d 409 (9<sup>th</sup> Cir. 1988), and *Rand v. Rowland*, 154 F.3d 952 (9<sup>th</sup> Cir. 1998) (ECF No. 31). Ware failed to timely file an opposition and was *sua sponte* granted in an extension of time to September 10, 2021 to oppose the motion. (ECF No. 32.) Thereafter, Ware requested and was granted a further extension of time to September 13, 2021. (ECF No. 34.) To date, Ware has failed to file an opposition.

Due to the health condition of Ware outlined in his motion for extension of time, (ECF No. 33), the court will *sua sponte* grant Ware one **final** extension of time to **Monday, October 18, 2021** to file an opposition to the motion for summary judgment. No further extensions of time shall be granted. If Ware fails to file an opposition, the motion will be submitted to the court for decision.

**IT IS SO ORDERED.**

DATED: September 17, 2021

  
UNITED STATES MAGISTRATE JUDGE